

ZB# 79-14

Anthony Valicenti

48-3-2.1

79-14- Valicenti; Anthony -

Public Hearing:  
July 9th - 8:15pm.

OCPD  
to be notified

Approved  
7/9/79.

File - TC office

# GENERAL RECEIPT

4075

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, N. Y. 12550

RECEIVED OF Valicenti's Restaurant July 24 1979 \$ 25.00  
Twenty-five and 00/100 DOLLARS

FOR 3 BA #79-14

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>25.00</u>		
<u>Ch.</u>		

BY

Pauline C. Townsend  
Town Clerk

TITLE

Williamson Law Book Co., Rochester, N. Y. 14609



ZONING BOARD OF APPEALS ; TOWN OF NEW WINDSOR

-----X  
In the Matter of the Application of  
ANTHONY VALICENTI and AUDREY VALICENTI.

DECISION GRANTING  
SPECIAL PERMIT

Application #79-14.  
-----X

WHEREAS, ANTHONY VALICENTI and AUDREY VALICENTI of 7 Park View Avenue, Newburgh, New York, have made application for special permit to construct a one-family residence above their restaurant located at 108 Route 9W in an NC (Neighborhood Commercial) zone in the Town of New Windsor, N. Y.; and

WHEREAS, a public hearing on this application for a special permit was held by the Zoning Board of Appeals on the 9th day of July, 1979 at the Town Hall in the Town of New Windsor after due notice by publication and due notice to residents and businesses within 500 ft. of the subject premises; and

WHEREAS, at the public hearing, the applicant, ANTHONY VALICENTI, represented himself; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals makes the following findings of fact in this application:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Evening News, also as required by law.

2. The evidence shows that the requested special permit will not alter the general character of the neighborhood.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:



1. The evidence shows that granting of the special permit as requested will not endanger the public health, safety or welfare and comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grant a special permit to the applicants as stated in the application before the Board.

BE IT FURTHER,

RESOLVED that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicants.

Dated: New Windsor, N. Y.  
August 13, 1979.

*S/ Vincent Biome*  
Vice Chairman



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK  
(914) 565-8550

July 11, 1979

Mr. Anthony Valicenti  
108 Route 9W  
New Windsor, N.Y. 12550

RE: APPLICATION FOR SPECIAL PERMIT BEFORE ZBA  
#79-14

Dear Tony:

This is to confirm that the above application for special permit before the Zoning Board of Appeals was granted at a recent meeting held on July 9, 1979.

A check in the sum of \$25.00 for application fee, payable to the Town of New Windsor, may be sent directly to this office.

If I can be of further assistance to you, please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Pat'.

PATRICIA DELIO, Secretary  
New Windsor Zoning Board of Appeals

/pd

cc: Howard Collett - Bldg./Zoning Inspector  
Town Planning Board



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

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Chairman  
Ellsworth E. Weyant  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

June 19, 1979

Mr. Anthony Valicenti  
108 9W South  
New Windsor, N.Y.

Re: 48-3-2.1

Dear Mr. Valicenti:

According to my records, the attached list of property owners are within the five hundred (500) feet of the above mentioned property.

The charge for this service is \$20.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

A handwritten signature in cursive script that reads "Paula King".

PAULA KING  
Sole Assessor  
Town of New Windsor

PK/em



1768

## OFFICE OF THE ASSESSOR

## TOWN OF NEW WINDSOR

Chairman  
Ellsworth E. Weyant  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

Farina Anthony ✓  
110 Rte 9W  
New Windsor, N.Y. 12550

Academy Ventures Inc. ✓  
Suite 402  
170 Maple Ave.  
White Plains, N.Y. 10601

Gaillard Everett G ✓  
96 Rte 9W  
New Windsor, N.Y. 12550

Plum Point Dev Corp ✓  
323 N Main St  
Spring Valley NY 10977

Sarcka John & Marie ✓  
171 River Road  
New Windsor NY 12550

Bonanno J & Piazzola M ✓  
Papera G  
c/o Allstate Can Corp  
40 Isabella St  
Clifton, NJ 07012

Phelen Dianne ✓  
26 Lafayette Dr  
New Windsor, NY 12550

Corey Herbert C & Caroline J ✓  
26B Lafayette Dr  
New Windsor, NY 12550

Travers Maurice ✓  
38 Lennox St  
Middletown, NY 10940

Turner Richard & Diane ✓  
2 Lafayette Dr  
New Windsor NY 12550

Belsito Ralph F & Grace ✓  
4 Lafayette Dr  
New Windsor NY 12550

Niedbala John S & Betty ✓  
6 Lafayette Dr  
New Windsor NY 12550

Lewellyn Robert & Amelia ✓  
8 Lafayette Dr  
New Windsor NY 12550

Conklin Edward L & Katherine T ✓  
12 Lafayette Dr  
New Windsor NY 12550

Cohen Stanley C & Aileen M ✓  
14 Lafayette Dr  
New Windsor NY 12550

Nucifore Alan & Deborah ✓  
16 Lafayette Dr  
New Windsor NY 12550

Beyers Edward C & Marcia K ✓  
18 Lafayette Dr  
New Windsor NY 12550

Bertlina Hazel M ✓  
110 Rte 9W  
New Windsor NY 12550

Hankin Marilyn ✓  
Tirschwell Barbara  
D/B/A New Windsor Assoc  
20 Whitehall Rd  
Poughkeepsie, NY 12603

BCA Bowling Newburgh Inc ✓  
Att John Sillcox  
PO Box 74  
Garden City NY 11530



1768

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman  
Ellsworth E. Weyant  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

0 Petro Richard P & Marie ✓  
24 Stori Rd  
Newburgh NY 12550

Le Floch Eugene M ✓  
Oak Concourse  
Central Valley NY 10917

DiCarlo Anthony ✓  
66 Melrose Ave.  
New Windsor NY 12550

Newburgh Chapter of UNICO ✓  
PO Box 2104  
Newburgh NY 12550

Plona Albert S & Margaret ✓  
305 Hudson St  
Cornwall on Hudson NY 12520

6 Bonura Mary E ✓  
Sarvis Lane  
Newburgh NY 12550



JUL 09 1979

COUNTY OF ORANGE

**Department of Planning**

124 MAIN STREET (1887 Building)  
GOSHEN, NEW YORK 10924  
TEL. (914) 294-5151

Peter Garrison, A.I.P., Commissioner

Edwin J. Garling, A.I.P., Deputy Commissioner

July 2, 1979

Mr. Mark Stortecky, Chairman  
New Windsor Zoning Board of Appeals  
Town Hall  
Union Avenue  
New Windsor, New York 12550

Re: Special Permit - Valicenti  
Route 9W File No.: NWT-79-9-M

Dear Mr. Stortecky:

We have reviewed the above in accordance with the provisions of  
Section 239, 1 and m, Article 12-B of the General Municipal Law of  
the State of New York.

We have no objection to the request.

Very truly yours,

Peter Garrison  
Commissioner of Planning

Reviewed by  
Joel Shaw, Senior Planner

PG/dc

Enclosure

PUBLIC NOTICE OF HEARING BEFORE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-33A of the Zoning Ordinance on the following proposition:

Appeal No. 14

Request of ANTHONY VALICENTI and AUDREY VALICENTI

for a ~~VARIANCE~~ SPECIAL USE PERMIT of the regulations of the Zoning Ordinance, to permit the construction of one-family living quarters over an existing restaurant,

being a ~~VARIANCE~~ SPECIAL USE PERMIT of Section 48-9 - Table of Use Regulations - Column B-3, for property situated as follows:

108 Route 9W, Town of New Windsor, New York.

SAID HEARING will take place on the 9th day of July, 1979, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. beginning at 8:15 o'clock P. M.

MARK STORTECKY  
Chairman

71WPB

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

79-14  
(Number)

6/19/79  
(Date)

I. ☒ Applicant information:

- (a) Anthony Valicenti 7 Park View Ct. 564-3401  
(Name, address and phone of Applicant)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of broker)

II. Application type:

- ☐ Use variance
- ☐ Area variance
- ☐ Sign variance
- ☒ Special permit

III. ☒ Property information:

- (a) N.C. 108 Rt 9W 48 3 2.1 150 X 150  
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-4
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 1972
- (e) Has property been subdivided previously? no When? —
- (f) Has property been subject of variance or special permit previously? no When? —



APPLICATION FOR VARIANCE OR SPECIAL PERMIT

79-14  
(Number)

6/19/79  
(Date)

I. ☒ Applicant information:

- (a) Anthony Valicenti 7 Park View Ct. Newburgh 564-3404  
(Name, address and phone of Applicant)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of broker)

II. Application type:

- ☐ Use variance
- ☐ Area variance
- ☐ Sign variance
- ☒ Special permit

III. ☒ Property information:

- (a) N.C. 108 Rt 9W 48 3 2.1 150 X 150  
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-4
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 1972
- (e) Has property been subdivided previously? no When? —
- (f) Has property been subject of variance or special permit previously? no When? —
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? no. If so, when —
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. no

☐ IV. Use variance:

- (a) Use Variance requested from New Windsor Zoning Local Law Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_, to allow \_\_\_\_\_

(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

☐ V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Required</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %

(Describe proposed use)

(a) Area variance requested from New Windsor Zoning Local Ordinance, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Required</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u> _____	<u>1</u> _____	<u>1</u> _____
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____
Floor Area Ratio** _____	_____	_____

\*\* Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

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VI.

Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

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- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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VI.

Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

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(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section 48-9, Table Use Regs. Column B-3.
- (b) Describe in detail the use and structures proposed for the special permit.

Owners Living Quarters, with  
1st floor - kitchen area, living room, dining room,  
1 Building with separate entrance,  
with kitchen, bathroom,  
and living room.



VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

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IX. Attachments required:

- ☒ Copy of letter of referral from Building and Zoning Inspector.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of tax map showing adjacent properties
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☐ Copy(ies) of sign(s) with dimensions.
- ☒ Check in amount of \$ 25.00 payable to Town of New Windsor.

- (b) Describe in detail the use and structures proposed for the special permit.

Owners Jimmy Acantora, Will R.  
of 1000 ...  
1 Building with separate ...  
with ...

☐ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☒ IX. Attachments required:

- ☒ Copy of letter of referral from Building and Zoning Inspector.
  - ☒ Copy of contract of sale, lease or franchise agreement.
  - ☒ Copy of tax map showing adjacent properties
  - ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
  - \_\_\_\_ Copy(ies) of sign(s) with dimensions.
  - ☒ Check in amount of \$25.00 payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.  
All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
- \_\_\_\_ Other

X. AFFIDAVIT

Date June 19, 1979.

STATE OF NEW YORK)  
                                ) SS.:  
COUNTY OF ORANGE )

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Anthony Valicenti  
(Applicant)

Sworn to before me this

19th day of June, 1979.

*Patricia Delio*  
PATRICIA DELIO  
Notary Public, State of New York  
Appointed in Orange County.  
My Commission expires Mar. 30, 1980

XI. ZBA Action:

(a) Public Hearing date

(b) Variance is

Special Permit is

(c) Conditions and safeguards:

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A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY  
RESOLUTION OF ZONING BOARD OF APPEALS.

TOWN OF NEW WINDSOR  
ORANGE COUNTY, N. Y.  
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. ....

Date 5/4, 1979

To ANTHONY VALICENTI

2 PARK VIEW AVE NEWBURGH

PLEASE TAKE NOTICE that your application dated MAY 4, 1979

for permit to ADD LIVING QUARTERS OVER EXISTING RESTURANT

at the premises located at ROUTE 9W

is returned herewith and disapproved on the following grounds:

REQUIRES SPECIAL USE PERMIT FROM ZONING  
BOARD OF APPEALS

Howard R. Casella  
Building Inspector

### PROCEDURE FOR PUBLIC HEARING

In order to prepare for a Public Hearing before the Zoning Board of Appeals the applicant must first prepare a public hearing notice, publication to appear in The Evening News once at least 10 days prior to the public hearing date. When notice has been prepared, return it to the Zoning Board Secretary (address below) so that she may publish same at the expense of the applicant. Three copies of the application must also be filled out and returned to the Secretary.

Registered or Certified letters are to be sent to all residents and property owners within a radius of 500 ft. of the property in question. This list may be obtained from the Town Assessor's Office for a fee which is determined by the Town Assessor. His office is located in the Town Hall - 555 Union Avenue, New Windsor, N. Y. All registered or certified letters must have return receipts. All return receipts, copy of published notice, copy of letter and all site plans with measurements must be presented to the Secretary at the public hearing by the applicant. Please include the Assessor's list of names and addresses of all property owners within 500 ft. for the record. A fee of \$50.00 payable to the TOWN OF NEW WINDSOR, should accompany all applications for commercial use. A fee of \$25.00 is required for residential use only. All fees due at the time the applications are returned to the secretary.

Please have your attorney determine whether Section 239 1&m of the General Municipal Law is applicable, and if so, send a copy of your application with plans attached to the Orange County Planning Dept., 124 Main Street, Goshen, New York 10924. (This section only applies if you are located within 500 ft. of a County Road.)

#### RETURN ALL PAPERS PROMPTLY TO:

PATRICIA DELIO, Secretary  
New Windsor Zoning Board of Appeals  
555 Union Avenue  
New Windsor, N. Y. 12550

Tel: 565-8550

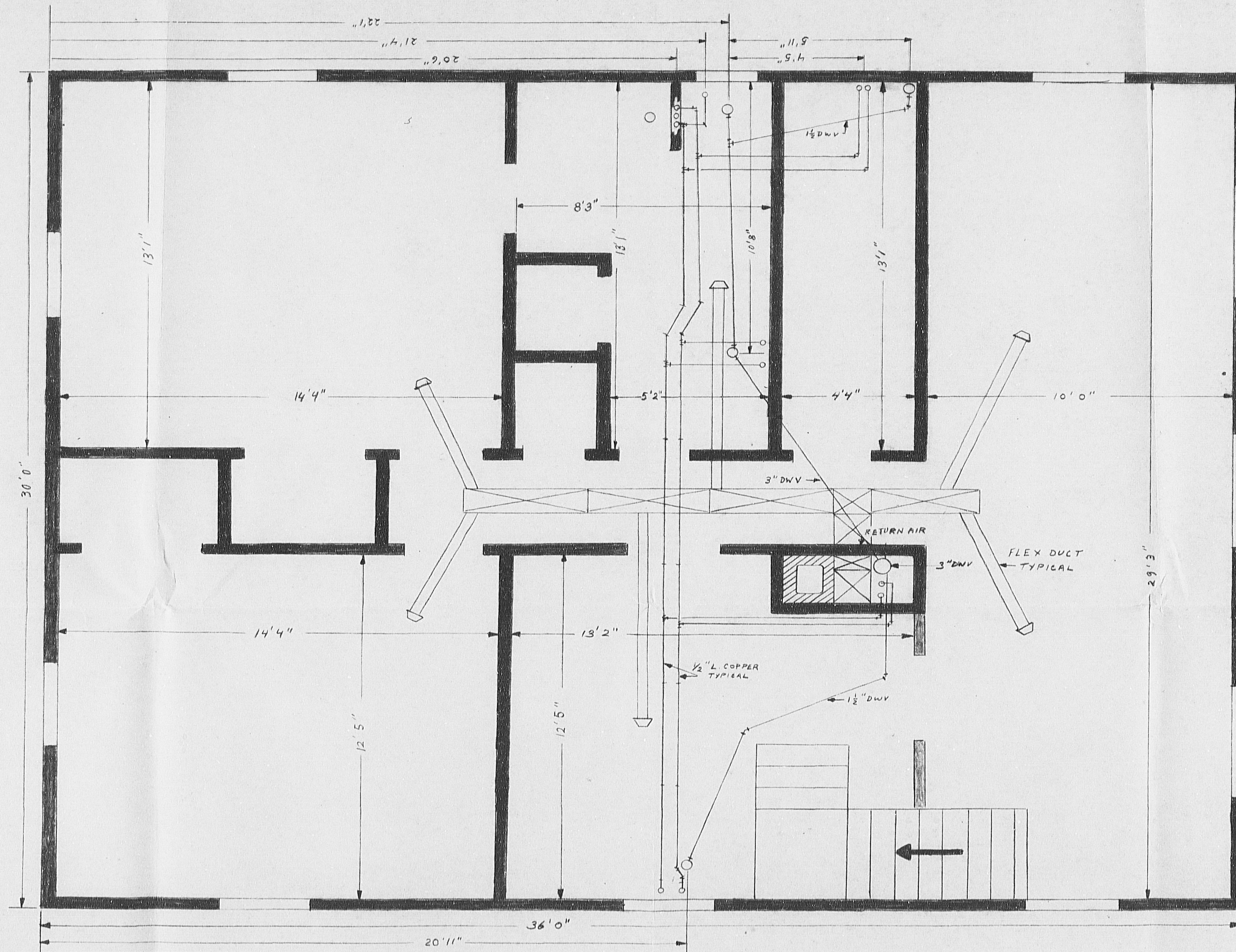
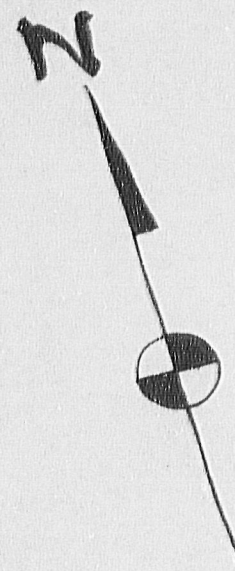
#### Applicant's check list:

1. Fill out and return 3 copies of application & map or plans.
2. Fill out and return public hearing notice.
3. Town Assessor's list to secretary.
4. Return receipts (green cards) to secretary.
5. Fee for application.
6. Application to Orange County Planning Dept., if applies.
7. Provide secretary with Affidavit of Publication (provided by newspaper.)

Note: The ZBA meet every 2nd and 4th Monday of every month.

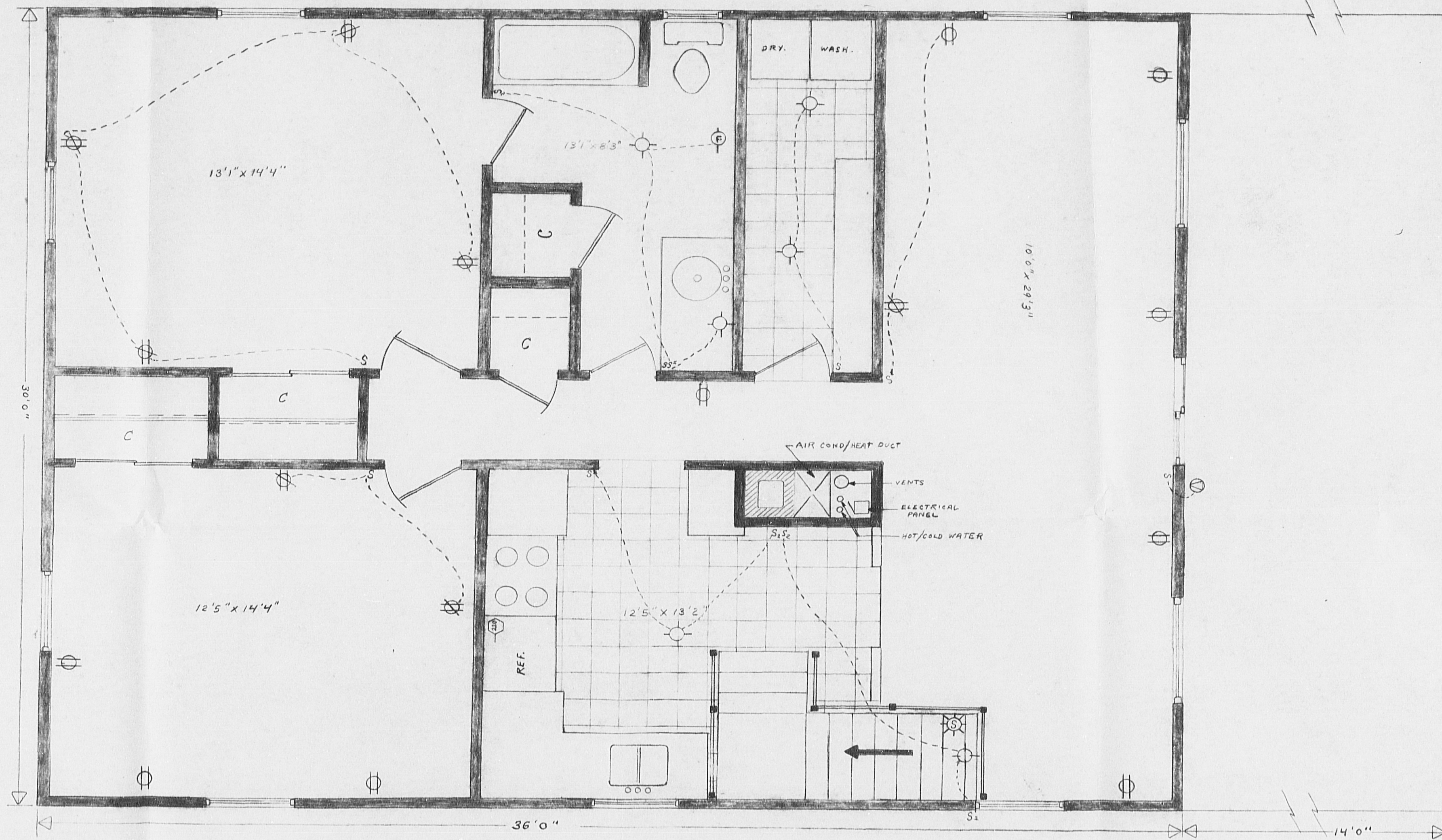
30 June Postcard





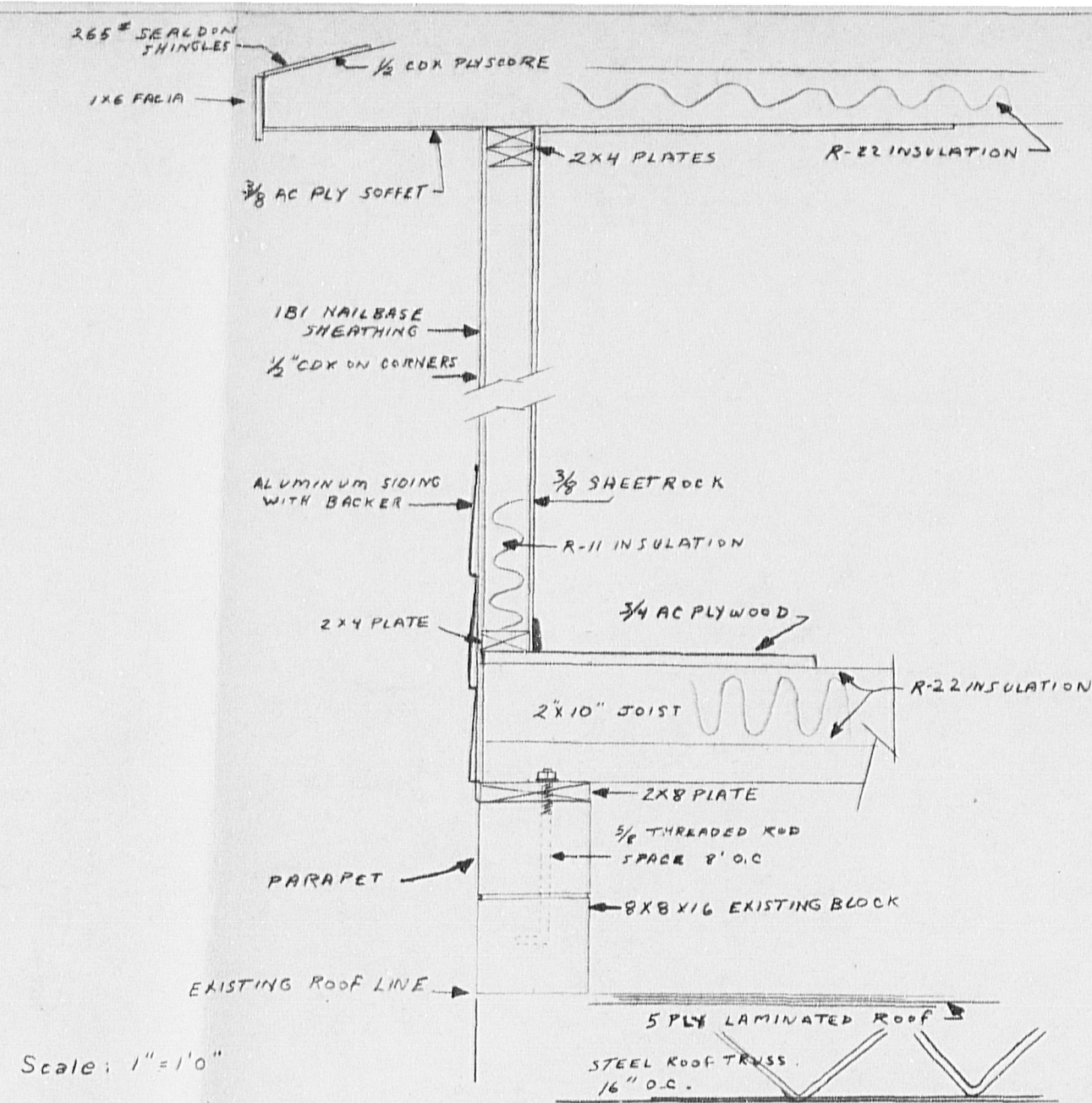
SEAL.		VALICENTI'S RESIDENCE		
		ROUTE 9WS NEW WINDSOR		
		48-3-2.1 MAP		
DATE: 4-28-79	SCALE: 3/8"=1'-0"	CHANGES	DRAWING FLOOR PLAN	
DRAWN: [Signature]	CHECKED:		PLUMBING HEAT/AIR	



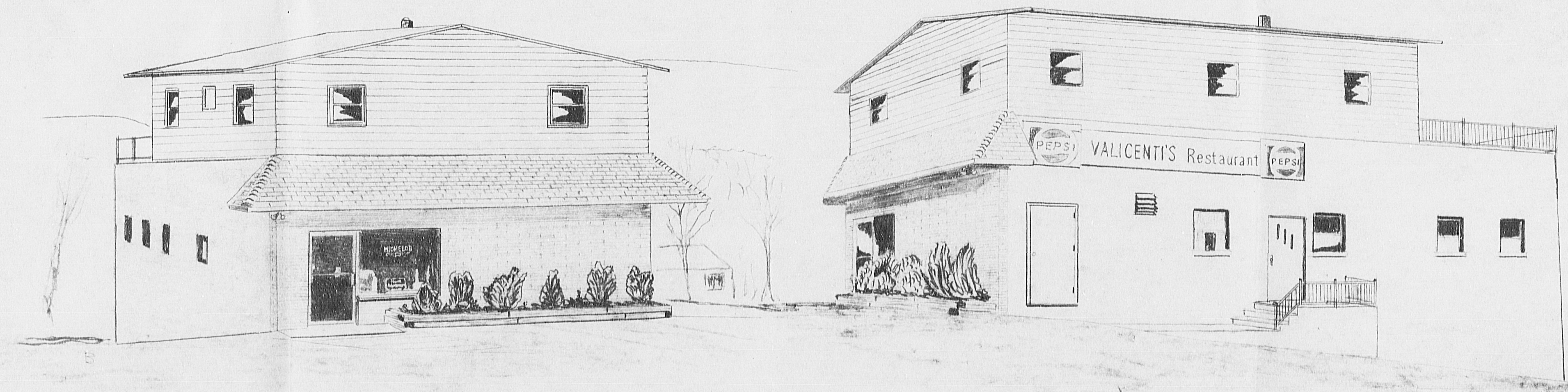
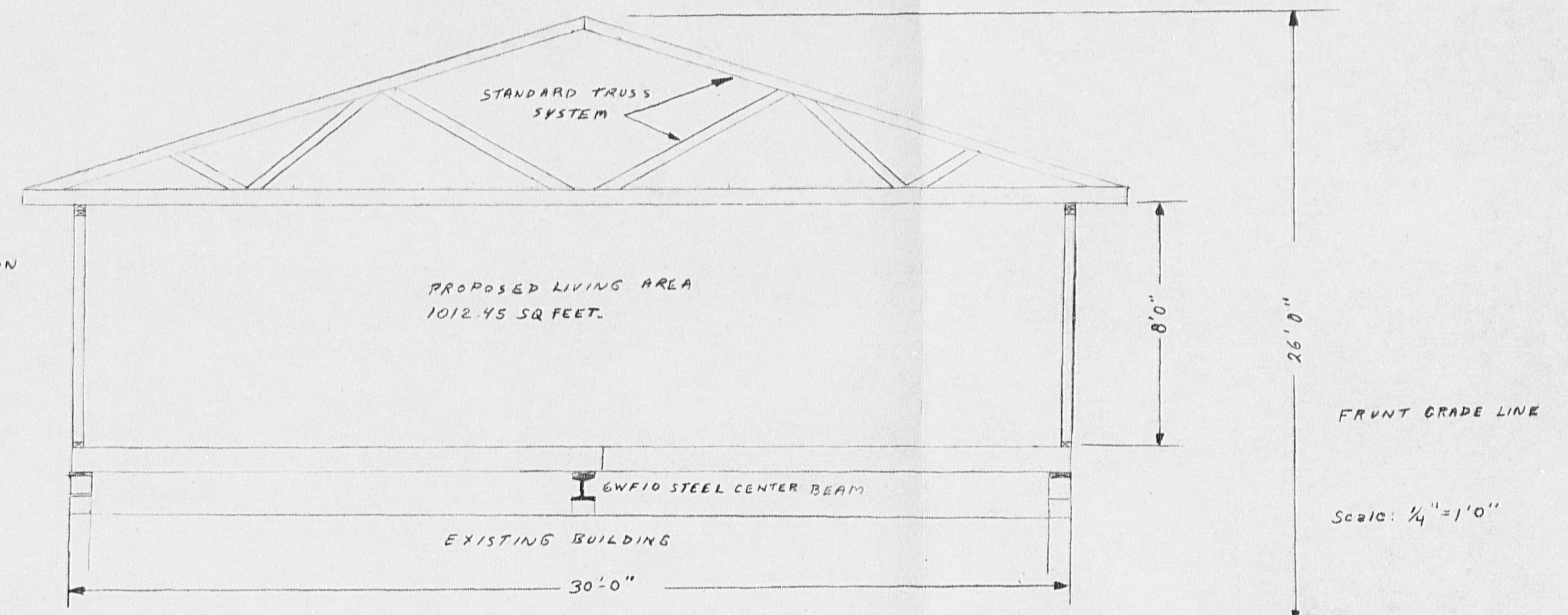


SEAL.		VALICENTI'S RESIDENCE	
		ROUTE 9W S NEW WINDSOR	
DATE: 4-28-79	SCALE: 3/8" = 1' 0"	CHANGES:	DRAWING ELECTRICAL FLOOR PLAN
DRAWN: 2073	CHECKED:		
NYS L.#			





Scale: 1"=1'0"



HOWARD KALLET

SEAL.	VALICENTI'S RESIDENCE			
	ROUTE 9W S NEW WINDSOR			
	562 9867	PROPOSED 2ND STORY TO EXISTING BUILDING.		
	BUILDING INSPECTOR			
DATE:	4-27-79	SCALE:	AS SHOWN	CHANGES:
DRAWN:		CHECKED:		DRAWING:
				TYPICAL CONSTRUCTION
NYSL #				